

JRPP No:	2012SYE051
DA No:	DA 136/12
PROPOSED DEVELOPMENT:	621 Pacific Highway, St Leonards Demolition of existing 11 storey commercial building and construction of 17-18 storey mixed use development
APPLICANT:	Bill Paterson
REPORT BY:	George Youhanna, Executive Planner North Sydney Council

Assessment Report and Recommendation

Attached: SEPP 1 objections

EXECUTIVE SUMMARY

The subject development application seeks to demolish the existing 11 storey commercial building and erect a 17-18 storey mixed use building containing ground floor retail, 33 serviced apartments (“hotel”) at levels 1-4, 72 residential apartments at levels 5-17 and three levels of basement carparking (in a mechanical stacker) for 42 vehicles.

The site has an area of 581.8m² with frontages of 38.9m to the Pacific Highway and 37.805m to Atchison Street, with a width of 20.14m adjoining the property to the south at 619 Pacific Highway and 11.8m to Christie Street on the northern boundary. The site is narrow and irregular in shape.

The application is unsatisfactory in a number of respects and the most significant issues relate to poor internal amenity for both the serviced apartments and residential units, inadequate building setback to the Pacific Highway and excessive building height. Additionally, a large proportion of the Atchison Street frontage at street level is occupied by service functions including a loading dock, carpark entry, fire stairs, utility rooms and lift core, resulting in minimal activation of the streetscape in Atchison Street.

In relation to the recent DA for the adjoining site at No.619 Pacific Highway (approved on 5 October 2011 by the JRPP), it was claimed during the assessment of that application (on 5 August 2011) that amalgamation had been unsuccessful largely due to three main reasons, being the lack of interest by the owner of No.621, that both buildings are multi leased and due to the greater capital size of the project if the sites are amalgamated. The lodgement of the subject DA is considered to undermine the integrity of this argument. Inadequate information, such as current land valuations and evidence of reasonable offers, has been provided to justify the claims that genuine attempts to amalgamate the sites have been made. An amalgamated site would greatly improve the level of streetfront activation in Atchison Street by avoiding the duplication of services and utility functions.

It is considered that the extent of redesign required to address the identified issues (regardless of whether the site is amalgamated with No. 619) is so substantial that the

resultant scheme would constitute a different proposal and require a fresh application. Accordingly, the application is recommended for **refusal** by the Joint Regional Planning Panel.

DESCRIPTION OF PROPOSAL

The subject application proposes demolition of the existing 11 storey commercial building at 621 Pacific Highway, St Leonards, and construction of a 17-18 storey mixed use development on the site. The proposed building form comprises a 4 storey podium with a further 13 storey tower extending to maximum height of RL 143.00 (57.4m).

The proposed development incorporates the following:

Basement -

- Levels B2-B4: Three (3) levels of basement car parking for 41 vehicles, utilising a car lift and mechanical stacking system.
- Level B1: Ramp down, 1 disabled parking space, residential storage, 11 bicycle racks, 1 motorbike space, services/utilities, passenger lift and stairs, 2 car waiting bays.

Ground Floor -

- Driveway and ramp to basement, loading dock, substation, lift and stairs, arcade, retail, garbage room

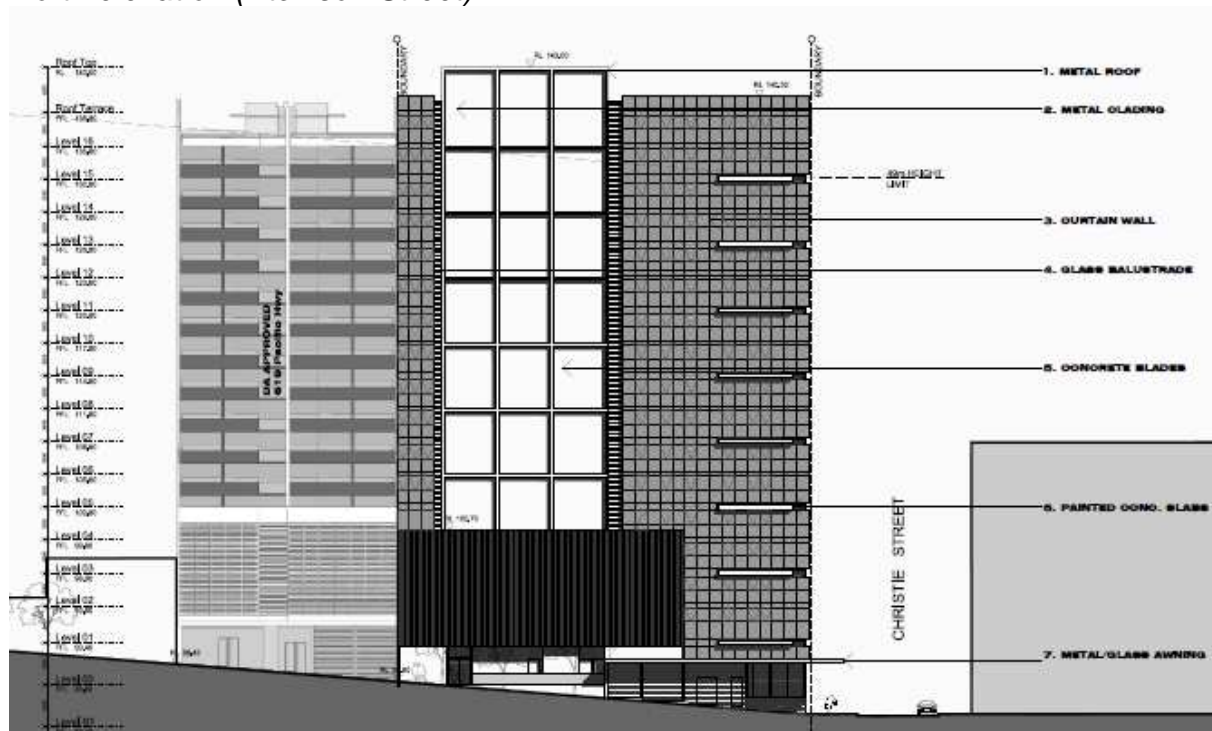
Levels 1-4

- 33 x serviced apartments

Levels 5-16

- 72 residential units, comprising 36 x studio units, 12 x 1 bedroom units and 24 x 2 bedroom units

North elevation (Atchison Street)



Photomontage



STATUTORY CONTROLS

North Sydney LEP 2001

- Zoning – Mixed Use
- Item of Heritage – No
- In Vicinity of Item of Heritage – No
- Conservation Area – No
- FSBL - No

Section 94 Contributions

Environmental Planning & Assessment Act 1979

SEPP No. 1 – Development Standards:

SEPP No. 55 – Remediation of Land

SEPP No.65 – Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Infrastructure) 2007

Sydney Harbour Catchment REP and DCP

Draft North Sydney LEP 2009

POLICY CONTROLS

DCP 2002

DESCRIPTION OF LOCALITY

The subject site is has frontages to Christie Street, Atchison Street and the Pacific Highway. The site has an area of 581.8m² with frontages of 38.9m to the Pacific Highway and 37.805m to Atchison Street, with a width of 20.14m adjoining the property to the south at 619 Pacific Highway and 11.8m to Christie Street on the northern boundary. The site is narrow and irregular in shape. The site is legally described as Lots 1 and 2, DP455937.



Aerial photo showing site and surrounding buildings



Existing development on the site comprises an 11 storey commercial building with two levels of basement parking, and a pedestrian thoroughfare linking Pacific Highway and Atchison Street.

Surrounding development includes a range of building forms, from two storey retail to high-rise office towers. To the west of the site at No.655 Pacific Highway is an 8 storey office building with St Leonards Tavern located at the ground floor. To the east of the site is No.619 Pacific Highway which is a 7 storey commercial building, the IBM building which is a 17 storey commercial building and the Abode building, a 19 storey mixed use development at No.599 Pacific Highway. Opposite the site to the north on the corner of Atchison and Christie Streets is Gilroy's Hotel, being a two storey hotel development. At No.2-4 Atchison Street is a 16 storey mixed use building and a 25 storey tower development (lodged under the now repealed Part 3A provisions) at 6-16 Atchison Street was recently approved by the PAC. Development to the south comprises 2 storey retail buildings.

The site is approximately 150 metres from St Leonards railway station and in close proximity to a number of bus routes.

RELEVANT HISTORY

Relevant history prior to lodgement

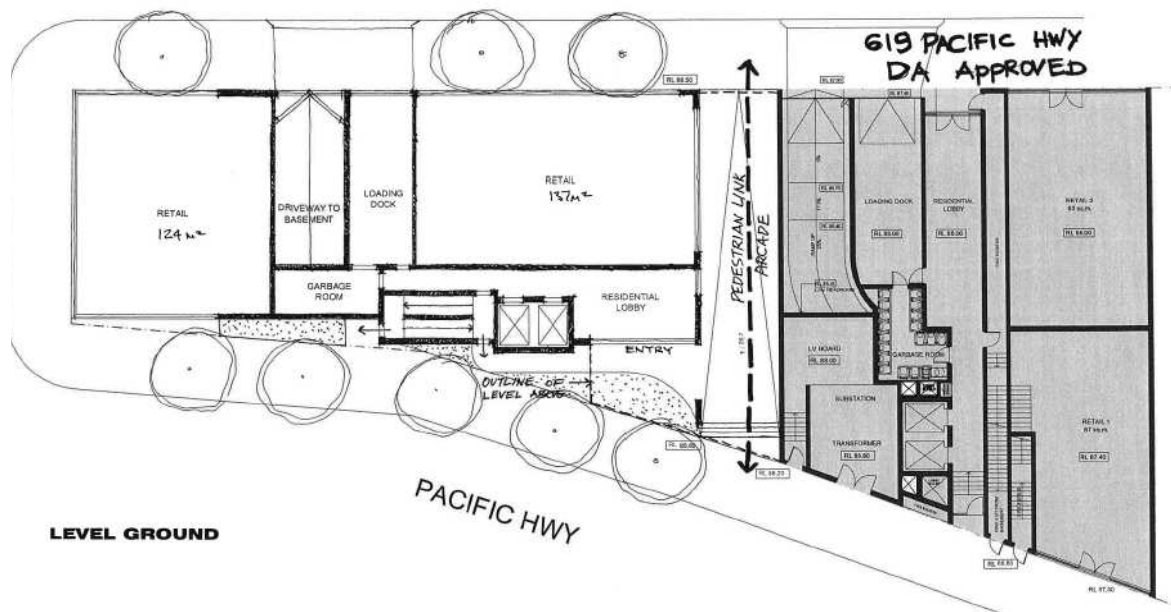
On 5 October 2011, DA163/11 for a 15 storey mixed use development at No.619 Pacific Highway (the adjoining site to the east) was approved by the JRPP. During the assessment of this application it was stated by the applicant that amalgamation with No.621 Pacific Highway was unfeasible, in part due to the lack of interest from the owner of No.621 and the existing unit leases.

On 7 November 2011, a Pre-Lodgement meeting was requested by the owner of No.621 Pacific Highway in relation to a proposed mixed use development on No.621.

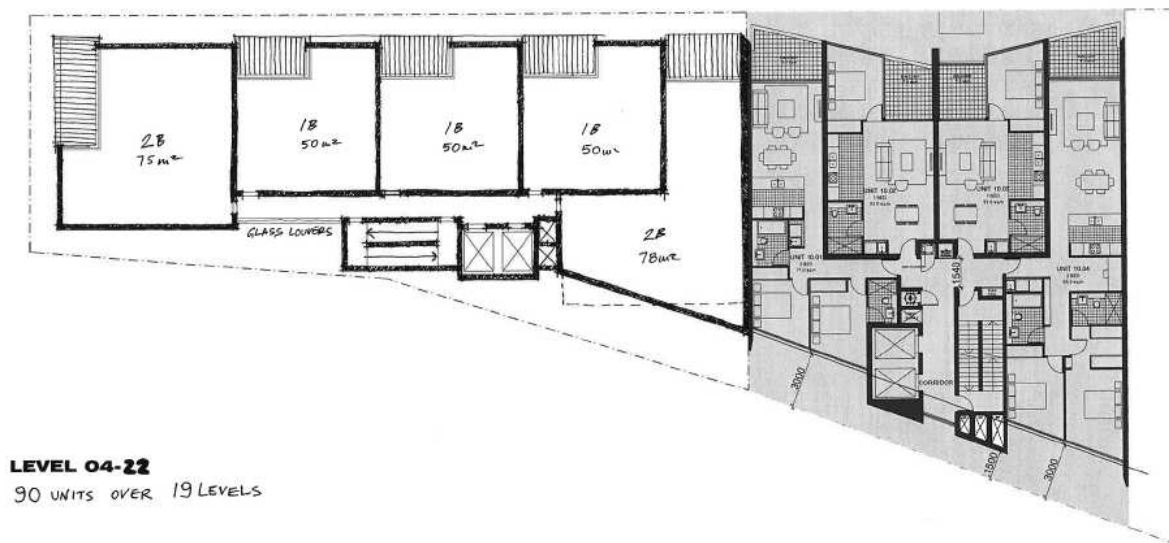
On 22 November a pre-lodgement meeting for redevelopment of the site was held involving the proponents and Council staff. The development proposed was a 19 storey mixed use building, with 30 serviced apartments and 90 residential units. The key issues identified with the proposal were as follows:

- *The Draft LEP seeks to rezone the site from mixed use to commercial. It is not known at this time if or when the draft LEP will be gazetted and it may need to be re-exhibited and/or amended. On this basis, the Draft LEP is considered not to be “certain or imminent”.*
- *The set backs at ground level should be increased for improved pedestrian amenity. Concern was raised in relation to the proliferation of loading bays and driveways to Atchison Street. Site consolidation with No.619 Pacific Highway is the preferred outcome, particularly given that both sites will potentially be redeveloped concurrently. A consolidated development would have particular benefits in relation to the Atchison Street ground level design, and would avoid the need for two driveways, loading docks, etc, while increasing the proportion of active street front usage to Atchison Street. It would also facilitate an improved basement parking configuration, allowing conventional ramps to be constructed rather than mechanical stackers and car lifts.*
- *The draft St Leonards study would require a ground level set back of 3 mtrs from the Pacific Highway.*
- *The present height is excessive and unacceptable as it is significantly over the height limit in the Draft LEP, and would need a planning proposal to vary the current 49m height limit under North Sydney Local Environmental Plan 2001.*
- *The possibility of increasing the building height based on the provision of a tangible public benefit at the lower levels was briefly discussed. While no specifics were tabled, it was acknowledged that a ground or podium level public open space would be a desirable feature of any redevelopment of the site. The open space would ideally be oriented to the north and shielded from traffic noise from Pacific Highway to provide an acceptable level of user amenity.*

Pre-Lodgement Meeting Plan of Ground Level



Pre-Lodgement Meeting Plan of Levels 4 to 22



DA History

9 May 2012 – DA136/12 Lodged.

25 May to 8 June 2012 – DA notification period.

5 June 2012 – Design Excellence Panel (DEP) meeting.

14 June 2012 – JRPP Briefing Meeting.

REFERRALS

Traffic

The application was referred to Council's Manager Traffic Planning to assess the acceptability of the proposed development with regards to traffic and parking. Council's Manager Traffic Planning raised concerns as follows:

Existing Development

The existing development is a 10-storey commercial office building with approximately 7,600m² GFA and 23 parking spaces which is accessed by two separate driveways in Atchison Street.

Proposed Development

The proposed mixed use development includes a new 17 story mixed-use residential/retail development. It incorporates 33 serviced apartments (27 x studio, 4 x one-bedroom, 2 x two-bedroom), 72 residential apartments (36 x studio, 12 x one-bedroom, 24 x two-bedroom) and 300m² of retail floor space.

Parking

The North Sydney DCP 2002 outlines a maximum parking space provision as follows:

<i>Development Component</i>	<i>Residential</i>	<i>Serviced</i>	<i>PARKING RATE</i>	<i>REQUIRED PARKING</i>
<i>Studio Apartments</i>	36		0.5	18
<i>1 bed</i>	12		0.5	6
<i>2 bed</i>	24		1	24
<i>Studio Apartments</i>		27	0.2	5.4
<i>1 bed</i>		4	0.2	0.8
<i>2 bed</i>		2	0.2	0.4
<i>RETAIL (300)</i>			1/400m 2	0.75
			TOTAL	55

The applicant is proposing to install 42 car parking spaces which complies with the NSDCP 2002.

Motorbike Parking

The development provides only 1 motorcycle space. The North Sydney DCP 2002 requires Mixed Use Zones to provide parking for motorcycles at a minimum rate of 1 space per 10 cars. Accordingly 5 motor cycle parking spaces should be provided.

Bicycle Parking

The development provides only 11 wall mounted bicycle racks. The North Sydney DCP 2002 requires Mixed Use Zones to provide 1 bicycle locker per 3 dwellings and 1 bicycle rail per 12 dwellings for visitors.

The applicant should provide a bicycle parking suitable to accommodate 24 bicycles for residents and 7 bicycle rails for visitors.

For this type of development current best practice is to provide "Class 2" type bicycle parking, as detailed in AS2890.3.

The bicycle rails for visitors choosing to cycle to the site should be located on the ground floor in a highly visible and accessible location.

The location of all bicycle parking spaces should be safe, attractive and convenient.

Traffic Generation

The report's traffic generation methodology (RMS Guide to Traffic Generating Developments) is acceptable to Council's Traffic Planning Section.

I concur that restraining the parking provision will reduce the traffic generated by the "residential component" of the development. Based on the RMS Guide to Traffic Generating Developments, the residential component of the development is likely to generate 10 vehicular trips in the peak hour.

The commercial component of the development, which is omitted in the report, is likely to generate 18 vehicular trips in the peak hour (Thursday evening).

I agree that the traffic generated by the proposed development can be accommodated by the existing road network.

Queuing Length

The development proposes to use a car stacker, identical to the recently approved development located at 619 Pacific Highway.

Concerns are raised with vehicles queuing from the development into the existing road network.

The use of mechanical parking equipment should always be the last alternative for vehicular access. With any vehicular lift, there are concerns that the motorists will chose not to use the lift because of the time delay and inconvenience, and this will place demands on the on-street parking. Particularly if the residents are returning home for only a short time, it is likely that they will not "bother" with the inconvenience of the mechanical parking system.

The proposed parking system is by its very nature a highly mechanical systems, which therefore makes it highly likely to break down. There is the concern that if there is a mechanical problem with the system then residents of the building will

be unable to access the off-street parking. Vehicles may get “stuck” underground. Further, with a development of this size, if the parking system is broken down for an extended period of time, this will place significant strain on the already very high demand for parking in this area.

Australian Standard 2890.1 states in relation to mechanical parking installations, “Access to mechanical parking installations such as car stackers, shall be by means of access driveways and circulation roadways designed in accordance with this Standard, and providing sufficient vehicle storage to ensure that queues of vehicles awaiting service by the installation do not extend beyond the property boundary of the parking facility under normally foreseeable conditions.

“When determining the amount of vehicle storage required, queue lengths shall be calculated by applying conventional queuing theory to estimated mean arrival rates during normal peak periods, and mean service rates under continuous demand, determined as closely as possible from observing the operation of similar facilities. The storage area shall be designed to accommodate the 98th percentile queue under such conditions.”

A statistical queuing analysis has not been undertaken by the applicant. An amended traffic report should be submitted which includes a statistical queuing analysis.

Parking for People with Disabilities

The Klaus automated parking system documentation outlines that the system can accommodate a vehicle with a maximum height of 1600mm. Section B6 of Australian Standard 2890.1 outlines that the height of all passenger cars and station wagons is below 1.5 metres. However, the Standard outlines that people with disabilities require headroom for a vehicle of up to 2200mm in height. The Standard therefore in Section 5.3.1 outlines that headroom should be 2200mm. The proposed parking system does not allow for parking for people with disabilities.

The other more minor concern associated with the proposed mechanical parking system is that it cannot accommodate all sizes and models of vehicles, particularly given the increasing prevalence of larger vehicles such as 4WDs.

Loading Dock

A loading dock is provided in the ground floor level, adjacent to the top of the basement ramp.

Concerns are raised with the proposed operation of the loading dock. The traffic report states that trucks will be reversing off the street into the site. The manoeuvre is unacceptable in any new development. This particular area is highly pedestrianised and reversing trucks is likely to increase the potential for pedestrian/vehicle collisions.

The loading dock should be designed to allow for trucks to enter and leave the site in a forward direction. If this is not possible, then a suitably qualified traffic controller should be provided during the times when the loading dock is in operation.

The traffic report states that the loading dock can accommodate vehicles up to and including a 6.4m long small rigid vehicle. A development of this size requires provision for a medium rigid truck as defined by Australian Standard 2890.2.

The population of North Sydney is highly mobile. Nearly half of all residents rent and, over a five-year period, over 65% move to a new address. This is particularly the case for apartments, and particularly for the smaller apartments included in the proposed development. Smaller apartments are more likely to be utilised by renters, who move in and out more readily. Given that this development is for residential apartments, it could be assumed that there will be a substantial number of residents moving in and out of the building on a weekly basis. It would be entirely unacceptable to have furniture removalist vans parked on the Pacific Highway or Atchison Street. Further, it is noted that removalist vans often double-park, park in "No Stopping" areas or other undesirable locations if they are unable to obtain a parking space directly in front of the building they wish to service. Furniture would have to be carried from the building to the kerb, across the footpath that is heavily used by pedestrian. Given the significant volume of vehicles and pedestrians that utilise the Pacific Highway and Atchison Street, this type of impact is unacceptable.

Conclusion

For the reasons outlined above, it is recommended that this proposed development be refused until such time as the car parking and loading dock issues are resolved. Given the size of this development and the associated number of parking spaces, the only way that this development can be recommended for approval is if:

- 1. Conventional circulating access ramps are provided OR another mechanical parking system is proposed, which the applicant can demonstrate through queuing analysis, complies with section 3.5 of Australian Standard 2890.1.*
- 2. A loading dock which can accommodate a Medium Rigid Vehicle as defined by Australian Standard 2890.2 is provided on-site.*

Development Engineer

Council's Development Engineer has raised no objection to the proposed development, subject to conditions of consent.

Landscaping

Council's Landscape Development Officer has reviewed the proposal and raises no objections subject to conditions.

Design Excellence Panel

Council's Design Excellence Panel (DEP) considered the application at its meeting on 5 June 2012. The DEP provided the following comments:

Panel's Comments

The Panel notes that the building height is approximately 8m above the current 49m height limit and the Draft North Sydney LEP 49m height limit. The Panel considers that in the absence of any notable design features or public benefit resulting from the development, there is no design justification for the height exceedance.

The Panel notes that the site is extremely tight, particularly with regard to parking, access and ground floor facilities. The site to the east (619 Pacific Highway) is also constrained and despite the recent approval of a mixed use development at 619 Pacific Highway, amalgamation of the two sites would produce a better outcome than would be achieved by two separate developments, particularly with regard to rationalising the Atchison Street ground floor treatment. An amalgamated site would result in substantially greater streetscape activation to Atchison Street by avoiding the need for two loading docks, two carpark entries, fire stair exits, electricity substations, etc, and would allow a greater proportion of active uses such as cafes/restaurants and retail development. As currently proposed, the Atchison Street frontage has an inadequate level of active uses (approximately 32% of the Atchison Street frontage). Amalgamation of the two sites resulting in consolidation of the service areas and substantially greater streetscape activation to Atchison Street would be a tangible public benefit, and may justify a slightly greater building height.

The Panel considers that the internal layout at ground level would also be improved with an amalgamated site, providing a greater proportion of retail/commercial areas and a more functional layout. The Panel supports the proposed arcade through link.

The Panel has particular concerns with the internal amenity of both the proposed units and the serviced apartments. The proposal achieves only 2hrs solar access to only 45% of the serviced apartments and only 50% of the residential apartments.

The Panel notes that the lift core is located on the northern side of the building, contributing to the high number of units with a southern orientation and inadequate solar access. Relocating the lift core to the southern side of the building would significantly increase the number of dwellings with a northerly aspect and adequate solar access.

In relation to the serviced apartments, the Panel considers that as they are readily adaptable for use in the future as residential dwellings, and with regard to their proposed use as short term residential accommodation, they should provide adequate internal amenity for occupants consistent with the provisions of SEPP

65 and the RFDC. Particular concern is raised with the very poor amenity of the serviced apartments facing south and the Highway, with no sunlight and exposure to constant road noise. The acoustic conditions in bedrooms of the other apartments will also require attention. The Panel did not comment on other SEPP 65 matters that are required to be met.

The Panel acknowledges that the development at No.619 Pacific Highway was required by the JRPP to provide a 3m above podium setback (excluding the lift core) to the Pacific Highway and on this basis considers that the proposed above podium setback to the Highway should maintain a 3m setback for the tower element.

The Panel supports the communal space on the roof, which could be improved by providing suitable wind protection to the perimeter and a covered area with a sink, with the remainder of the roof being a green roof. Provision of seating in the entrance lobby and internal access to the mail collection would also be desirable.

Conclusion

The Panel considers that a substantial redesign is required, whether or not the development is included in an amalgamated site, to overcome the Panel's concerns.

Roads and Maritime Services (RMS)

The RMS have raised no objections, subject to conditions.

SUBMISSIONS

The owners of adjoining and nearby properties and the Holtermann Precinct Committee were notified of the proposed development, with the notification period being from 25/5/12 to 8/6/12. In response to this notification, a total of two (2) submissions were received. The issues raised in the submissions are summarised as follows:

Name & Submitter	Address	of	Basis of Submissions
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Mr D Carter	1506/2-4 Atchison Street	St Leonards	<ul style="list-style-type: none">• Building height/height limit• Traffic impacts• Local road network inadequate• Parking• Infrastructure inadequate• Cumulative impact from recent approvals• Serviced apartments generating additional traffic• Side setback
Holtermann Precinct (Contact : Laura Tilsed)			<ul style="list-style-type: none">• Building height/height limit• Proliferation of serviced apartments to achieve minimum commercial floor area• Unit mix and sizes• Unit amenity

- Separation of serviced apartments and residential uses
- Setback and podium non-compliances
- Traffic impacts
- Local road network inadequate
- Parking
- Loading dock inadequate

CONSIDERATION

The relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

NORTH SYDNEY LEP 2001

The application has been assessed against the relevant numeric controls in NSLEP 2001 as indicated in the following compliance table. Additional more detailed comments with regard to the major issues are provided later in this report.

Compliance Table

STATUTORY CONTROL – North Sydney Local Environmental Plan 2001				
Site Area – 581.8m ²	Existing	Proposed	Control	Complies
Mixed Use Zone				
Building Height (Cl. 29) (max)	11 storeys	57.4m	49m	NO *
Non-Residential Floor Space (Cl. 31) (max)	-	3.4:1	3:1 to 4:1	YES
Design of Development (Cl. 32)	-	Building has both residential & non-residential uses, with non-residential (retail and serviced apartments) at lower levels;	Building to have residential and non-residential uses, with non-residential at lower levels;	YES
		No residential at ground level;	No residential to be at ground level;	YES
		Separate residential entries;	Single residential lobby for serviced apartments and residential	NO*

		Tower is set back above podium	apartments Building to be set back above podium	YES
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* SEPP No 1 objections received from applicant

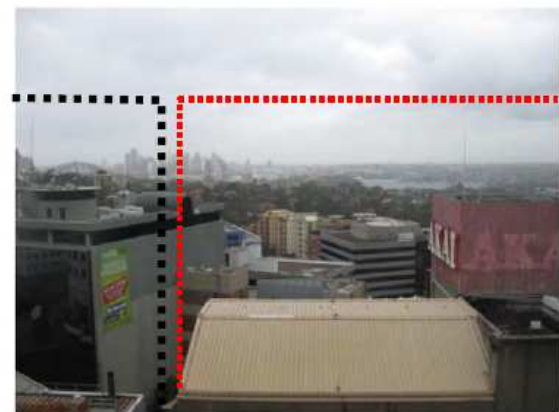
DCP 2002 Compliance Table

DEVELOPMENT CONTROL PLAN 2002		
	Complies	Comments
6.1 Function		
Diversity of activities, facilities, opportunities and services	Yes	This mixed use proposal incorporates 3 separate retail spaces on the ground level, providing an adequate diversity of non-residential spaces and activities. A communal space has been provided on the roof level.
Mixed residential population	No	The proposed dwelling yield of one unit per 63.5m ² of GFA (4,572m ²) is substantially greater than the DCP range of 1 unit per 100m ² -150m ² gross GFA. This is indicative of the predominance of small units, as discussed below.
	No	The proposed dwelling mix (excluding the serviced apartments) does not include any 3 bedroom units. The proposal includes 67% small units (studio or 1 bedroom) and 33% two bedroom units, with no three bedroom units included. This is considered unacceptable and an excessive number of small units. The DCP requirement is for 45% combined studio and 1 bedroom units and 55% combined 2 and 3 bedroom units and the proposal is significantly non-compliant and does not provide a reasonable mix of dwellings.
	Yes	Eight (8) adaptable units are provided (excluding the serviced apartments) in accordance with the DCP 10% minimum requirement (7.2 units), subject to the recommendations contained in the

		submitted Access Report.
	Yes	Non-residential parking does not exceed DCP controls. The site has excellent access to public transport, located within 150m of St Leonards railway station and numerous bus routes on Pacific Highway.
6.2 Environmental Criteria		
Clean Air	Yes	Satisfactory.
Noise and acoustic privacy	Yes (with conditions)	An Acoustic Report, prepared by Sebastian Giglio, was submitted with the application. The report indicates that the proposal is capable of satisfying the DCP noise and acoustic privacy requirements subject to mitigation and construction recommendations.
Visual Privacy	No	The proposal has not adequately addressed or discussed separation distance to the units at No.2-4 Atchison Street. Unit 6 on each residential floor is located approximately 18m from the balconies at No.2-4 Atchison Street.
Wind Report	No	A wind impact report was provided with the application. The report concludes that the wind impact will be acceptable, however, the report assumes the roof is not trafficable, contrary to the DA plans. An amended wind report is required in relation to the trafficable roof.
Awnings	No	The proposal includes non-continuous awnings to Pacific Highway and Christie Street. The awning design should be improved in any future application by providing continuous shelter on Pacific Highway and Atchison Street, as per the North Sydney DCP 2002 requirements.
Solar access	Yes	The submitted shadow diagrams indicate that there is no adverse shadowing impact on existing or proposed areas of public open spaces between 11.30am and 2.30pm on the winter solstice as a result of the proposed development. .
Views	No	The view analysis submitted with the application states that the most affected dwellings are at No.2-4 Atchison Street. It is claimed that the majority of the view impact results from that part of the building below the 49m height limit. However, a more detailed view impact analysis is required to confirm that this is

the case, given that subject site is lower than the adjoining site at No.619 Pacific Highway. The “approximate building envelope” (see Figure 24 below) does not identify the height of a complying building and is inaccurate in that it does not demonstrate the greater height of the proposal compared with No.619:

Figure 24 from JBA Statement of Environmental Effects



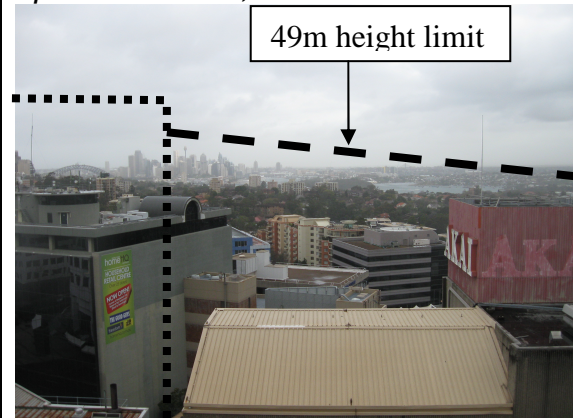
..... Approximate building envelope of 619 Pacific Highway (as per sourced image)
..... Approximate Building envelope of 621 Pacific Highway if 3m wide through site link was to be maintained (JBA addition)

Figure 24 – Building Envelopes of 619 and 621 Pacific Highway (if through site link setback was to be maintained)

Source: JRPP (Sydney Region East) Business Paper – 2011SYE060
“Approximate extent of view impact from apartment 1506, No.2-4 Atchison Street.”

With regard to the views from Level 15 of No.2-4 Atchison Street, a compliant building would be likely to obscure views available to the south, including the Sydney CBD, however, it is possible that a more skillful design could preserve some views. Further view loss analysis is recommended.

Approximate extent of view impact from apartment 1506, No.2-4 Atchison Street



6.3 Quality built form		
Context	No	The proposed height and scale is considered unsatisfactory and does not adequately respond to the site's context and site constraints. The building height is significantly in excess of the 49m height limit and is not acceptable with regard to the desired future character of the area, as expressed in the North Sydney Local Environmental Plan 2001 and Draft NSLEP 2009.
Skyline	Yes	The architectural treatment of the upper levels of the proposed building would result in a satisfactory skyline appearance, however, the building height is unsatisfactory as previously discussed.
Public spaces & facilities	No	The proposal does not introduce any significant public spaces or facilities and does not provide a public benefit. Retention of the existing pedestrian through link is supported, but does not provide any additional benefit over the existing thoroughfare.
Through-site pedestrian links	Yes	The existing through-site link is proposed to be retained in the form of an arcade.
Streetscape	No	The proposal is particularly deficient in this regard to Atchison Street where only 32% of the entire 37.8m long frontage at street level comprises active uses. The remaining 68% of the Atchison Street frontage is occupied by the lift core, fire stairs, loading dock, car parking ramp, substation and utilities.
	Yes	An acceptable degree of activation of the Pacific Highway and Christie Street frontages is provided.
Setbacks	No	<p>The proposed Pacific Highway and Christie Street setbacks are non-compliant with the required 3m above podium setback. The applicant has provided justification for the proposed nil eastern side setbacks above the podium.</p> <p>The Pacific Highway setback of predominantly 1.5m does not</p>

		<p>appropriately relate to the 3.0m setback of the recently approved adjoining building at No.619 and does not achieve numerical compliance or the objective of the podium/tower control.</p> <p>The Christie Street setback of 0.4m is unsatisfactory and effectively disregards the 3.0m setback requirement. There is no reason why the “highly articulated and visually interesting façade” cannot meet the modest 3.0m setback requirement to Christie Street.</p>
Entrances and exits	Yes	Access is satisfactory, with residential entry provided from Atchison Street. Separate retail entries are provided.
Street frontage podium	No	The 3 and 4 storey Atchison Street and Pacific Highway podiums are satisfactory. However, the Christie Street façade has a consistent 0.4m setback for both the podium and tower, failing to achieve a podium/tower or the objectives of the requirement.
Building design	No	The building does not provide satisfactory floor to ceiling heights. While all residential floors will have the required minimum 2.7m floor to ceiling height, the ground and first floors do not achieve the required 3.6m and 3.3m finished floor to ceiling heights.
	No	The podium is not built to all boundaries, due in part to the irregular site configuration.
	No	Balconies on the western elevation (Christie Street) do not meet the 3m setback requirement
6.4 Quality urban environment		
High quality residential accommodation	No	<p>The DCP requirements are as follows:</p> <ul style="list-style-type: none"> • Studio 40m² • 1 bedroom 55m² • 2 bedroom 80m² • 3+ bedroom 100m² <p>The proposed residential studios are 37m²-39m² and have no balcony. The 1 bedroom units are 58m² and the</p>

		<p>proposed two bedroom units are 75m²-77m². The two bedroom units are slightly below the 80m² requirement. The proposed minor non-compliance in relation to the two bedroom units is satisfactory given that the areas exceed the 'rule of thumb' affordability minimum of 70m² in the SEPP 65 Residential Flat Design Code, and given that the unit configuration and internal amenity is satisfactory. The studios are unsatisfactory with regard to size and amenity. It is expected that unit amenity could be improved in a redesigned building addressing the other identified design issues.</p> <p>The proposed serviced apartments include studios from 31m²-44.5m², some without balconies.</p>
	No	<p>Only 50% of units (excluding the serviced apartments) will receive two hours of solar access in midwinter. In relation to the serviced apartments, only 45% will receive two hours of solar access in midwinter. All other residential and serviced apartment units receive no sunlight whatsoever between 9am and 3pm midwinter. The proposed level of solar access is unacceptable and indicative of the unsatisfactory design of the building.</p>
	No	<p>Conventional cross-ventilation to 50% of the residential apartments is proposed.</p> <p>Only 27% of the serviced apartments are cross-ventilated.</p>
Balconies	No	<p>A number of units and serviced apartments do not have balconies and 12 serviced apartments have balconies <8m² and with a depth of 1.1m.</p>
	No	<p>The balconies at Levels 5-16 are not recessed behind the 3m above podium setback to Christie Street.</p>
Accessibility	Yes	<p>An Accessibility Report has been submitted with the application to demonstrate that the development</p>

		<p>would comply with requirements of AS1428.3 for disabled access.</p> <p>Lift access is proposed to all levels and at grade access is provided from Atchison Street. Suitable conditions would be applied if consent is granted.</p>
Safety and security	No	Separate entries should be provided for residential and non-residential uses.
Car parking	No	<p>The proposal provides a total of 42 parking spaces, 41 for residential use (mechanical stacker) and 1 disabled space. The parking provision satisfies the maximum parking requirements of Section 9 of the DCP for cars.</p> <p>However, Council's Manager Traffic Planning has raised concerns with the proposal in relation to inadequate motorcycle and bicycle parking, the mechanical stacking system generally, the lack of a statistical queuing analysis, parking for people with disabilities and an inadequate loading dock that cannot accommodate a Medium Rigid Vehicle.</p>
Bicycle parking	No	<p>The development provides only 11 wall mounted bicycle racks. The North Sydney DCP 2002 requires Mixed Use Zones to provide 1 bicycle locker per 3 dwellings and 1 bicycle rail per 12 dwellings for visitors. The applicant should provide a bicycle parking suitable to accommodate 24 bicycles for residents and 7 bicycle rails for visitors.</p> <p>The bicycle rails for visitors choosing to cycle to the site should be located on the ground floor in a highly visible and accessible location. The location of all bicycle parking spaces should be safe, attractive and convenient.</p>
Vehicular access	No	The loading dock is inadequate and cannot accommodate a Medium Rigid Vehicle and no statistical queuing analysis has been provided in relation to the mechanical stacker parking spaces.

Garbage Storage	No	The garbage room does not meet the North Sydney DCP 2002 requirements and the loading dock has inadequate dimensions to serve as a temporary holding bay for waste collection.
Commercial garbage storage	No	The proposal includes one central garbage room for the development at ground level, as discussed above.
Site facilities	Yes	Satisfactory.
6.5 Efficient use and management of resources		
Energy efficiency	Yes	A BASIX certificate for the residential component of the development has been submitted and an appropriate condition can be imposed to ensure compliance with these commitments.

NORTH SYDNEY LEP 2001

1. Permissibility within the zone:

The subject site is zoned Mixed Use pursuant to NSLEP 2001. Development for the purposes of the construction of a mixed use building is permissible with the consent of Council. The proposed uses (retail and serviced apartments) are also permissible under the zoning with Council consent, it being noted that serviced apartments are only permissible under the definition of “hotel”, which requires the provision of facilities “...such as a restaurant or bar”. In this regard, any future application should identify the retail area that will be providing the required serviced apartment facilities.

2. Objectives of the zone

The particular objectives of the Mixed Use zone, as stated in clause 14 of NSLEP 2001, are:

- “(a) encourage a diverse range of living, employment, recreational and social opportunities, which do not adversely affect the amenity of residential areas, and*
- (b) create interesting and vibrant neighbourhood centres with safe, high quality urban environments with residential amenity, and*
- (c) maintain existing commercial space and allow for residential development in mixed use buildings with non-residential uses at the lower levels and residential above, and*
- (d) promote affordable housing.”*

The proposed development is not consistent with the objectives of the zone due to the poor residential amenity, unsatisfactory building design and inadequate activation of the Atchison Street frontage.

3. Building Height

The Clause 29(1) building height objectives for the mixed use zone are as follows:

(1) Building height objectives

The specific objectives of the building height controls in the mixed use zone are to:

- (a) ensure compatibility between development in the mixed use zone and adjoining residential areas and open space zones, and*
- (b) encourage an appropriate scale and density of development for each neighbourhood that is in accordance with and promotes the character of, the neighbourhood, and*
- (c) provide reasonable amenity for inhabitants of the building and neighbouring buildings, and*
- (d) provide ventilation, views, building separation, setback, solar access, light, and avoid over shadowing of windows, landscaped areas, courtyards, roof decks, balconies and the like, and*
- (e) promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient, and*
- (f) avoid the application of transitional heights as justification for exceeding height controls.*

Clause 29(2) of NSLEP 2001 states that:

“A building must not be erected in the mixed use zone in excess of the height shown on the map.”

Pursuant to Map 2 – ‘Floor Space Ratios, Heights and Reservations’ of NSLEP2001, a maximum height of 49 metres is applicable to the subject site. The maximum height of the proposed development is 57.4m. As such, the height of the proposal would exceed the maximum 49m building height specified in NSLEP 2001 by 8.4m.

The applicant has submitted a SEPP No 1 objection in respect of the variation from the building height control. This objection seeks support for the non-compliance largely based on the objectives of the standard being achieved and a claim that the North Sydney Local Environmental Plan 2001 height control of 49m has been “...*virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard...*” (Wehbe SEPP 1 test).

In relation to the objectives of the control, the proposal is not in keeping with the desired future character of the neighbourhood as expressed in the DCP Character Statement, particularly in relation to scaling down from the Forum. This objective is not met by simply designing a building that is below the height of the Forum and IBM buildings. The approved development at No.619 Pacific Highway is a more relevant benchmark given its recent approval under North Sydney Local Environmental Plan 2001 and the proposed height is not compatible with the adjoining building at No.619.

In relation to internal amenity for inhabitants of the building, the proposal is sub-standard in relation to solar access, cross ventilation, unit sizes, etc, as discussed

elsewhere in this report. Further, the proposal does not conform to the natural landform and uses a transitional height argument (Forum to IBM), in part, as justification for exceeding the height limit, directly in conflict with the mixed use zone building height objective.

Additionally, it has not been adequately demonstrated that a more skilful design would not reduce view loss to No.2-4 Atchison Street, as previously discussed. With regard to the above, the SEPP 1 objection has failed to demonstrate that the objectives of the standard are achieved, despite the 8.4m/2.5 storey non-compliance.

In relation to the claim that the 49m height limit has been “...*virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard...*”, the SEPP 1 objection includes the following:

4. The development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable

The site is located within the mixed use zone of North Sydney LEP 2001. A review of existing buildings and recent approvals reveals that in many instances the built form of the mixed use zone exceeds its nominated height limit from LEP 2001. This includes:

- 619 Pacific Highway, the building approved on the adjoining site had a maximum height of 53.15m, which exceeds the development standard by 4.15m.
- 601 Pacific Highway (IBM Building), whilst approved prior to LEP 2001 has a height of 68m (17 storeys), which significantly exceeds the current building height control of 49m.
- 2-4 Atchison Street, whilst also approved prior to LEP 2001 its height of approximately 50m (16 storeys) exceeds the site’s current control of 49m.
- 599 Pacific Highway (The Abode), whilst approved prior to LEP 2001 its height of approximately 62m (19 storeys) significantly exceeds the site’s current control of 40m.
- 32-38 Atchison Street, recent approval for a 15 storey building approved at 8.3m (approximately 3 storeys) above its 40m height control (DA78/09).
- 5-11 Atchison Street, approval for a 12 storey building at 3m (approximately 1 storey) above its 40m height control (DA257/05).
- 45-49 Chandos Street, approval for a 12 storey building at 1.8m above its 33m height control (DA105/2003).
- 13-19 Atchison Street, approval for a 12 storey building at 0.9m above its 40m height control (DA87/01).

These buildings and recent approvals demonstrate that compliance with the maximum building height development standard would be unreasonable based on the Land and Environment Court ‘tests’ because:

- Council has in many instances granted variations to the building height control in the mixed use zone, in many instances greater than a storey. The consistent application of the building height standard in the mixed use zone has therefore been reduced.
- The site is located in the immediate vicinity of existing building stock that exceeds their LEP 2001 nominated control of 49m (i.e. The Abode, 619 Pacific Highway, and IBM buildings).

In response to this claim, the following relevant information should be noted:

- The non-compliance at No.619 Pacific Highway related to rooftop plant and was a total of 4.15m in height
- The IBM building pre-dates the relevant height limit/development standard and is therefore irrelevant to the application of the North Sydney Local Environmental Plan 2001 provisions.
- 2-4 Atchison Street also pre-dates the relevant height limit/development standard and is a total of 1m over the current 49m height limit.
- The Abode building also pre-dates the relevant height limit/development standard. Moreover, the massing of the building is such that the site yield is similar to that of a fully compliant building extending across the entire site.
- 32-38 Atchison Street was the subject of LEC proceedings and following a section 34 conference and the filing of amended plans, the Court accepted a SEPP 1 objection to the height limit and consent orders were entered into. Additionally, regard was had for the massing of the exceedance which “borrows” its height from other parts of the building.
- 5-11 Atchison Street includes a communal room only at roof level, which breaches the height limit by 3m.

The 49m height limit standard has clearly not been “abandoned or destroyed” and such a claim is without clear logic.

It is of some concern that this SEPP 1 objection seeks to capitalise and build on the height variation at No.619 Pacific Highway (approved via a SEPP 1 objection prepared by JBA Planning) by claiming that Council’s support of that JBA Planning SEPP 1 objection equates to the 49m height limit being “...*virtually abandoned or destroyed*...”.

To appropriately use SEPP 1 to vary a development standard (at No.619 Pacific Highway), and then in order to subsequently justify a much greater and inappropriate non-compliance, argue that Council’s support of the original SEPP 1 objection equates to that standard being *virtually abandoned or destroyed*, undermines the essential purpose of SEPP 1. In essence, the suggestion that minor variations to a development standard result in that standard being *virtually abandoned or destroyed* is nonsense.

However, it is acknowledged that Wehbe is a relevant consideration in assessing the subject SEPP 1 objection and 8.4m breach of the height limit. Unlike No.619 Pacific Highway, the proposal includes 2 residential storeys above the 49m height limit and a communal area and plant room at roof level, being in total up to 2.5 storeys over the height limit. The proposed breach is unsatisfactory with regard to the integrity of the height control which to date has not been abandoned in any manner or destroyed. With regard to the objectives and integrity of the standard, the SEPP 1 objection is not well founded and is not supported.

4. Floor Space

Clause 31(2) of NSLEP 2001 states:

“A building must not be erected in the mixed use zone if the floor space ratio of the part of the building to be used for non-residential purposes is not within the range specified

on the map.”

Pursuant to Map 2 – ‘*Floor Space Ratios, Heights and Reservations*’ of NSLEP 2001, the non-residential component for a development on this site must have a floor space ratio (FSR) of between 3:1 and 4:1. The proposed development has a non-residential FSR of 3.42:1, and is therefore compliant with Clause 31 of NSLEP 2001. A café or restaurant use to cater for the serviced apartments is required at ground level, in order to satisfy the definition of “hotel” in NSLEP 2001.

5. Design of Development

Clause 32 of NSLEP 2001 provides a number of objectives and controls with regard to the design of development in the mixed-use zone. The objectives in clause 32(1) seek the following

- (a) promote development containing a mix of residential and non-residential uses, and*
- (b) protect the amenity and safety of residents, and*
- (c) concentrate the non-residential component of development in the mixed use zone at the lower levels of a building.*

The proposed development is unsatisfactory with regard to the amenity of residents as discussed previously.

In relation to the controls for the design of development in Clause 32 (2), the proposal is assessed as follows:

A new building in the mixed use zone must not be erected unless:

- (a) the building contains both residential and non-residential uses,*

Comment: The building complies in this regard with both apartments and non-residential uses within the development, subject to the provision of a cafe or restaurant to service the “hotel” component, as previously discussed.

- (b) the non-residential component of the building is provided at the lower levels of the building and the ground level is not used for residential purposes, except access,*

Comment: The proposed development contains the non-residential component (retail and serviced apartments) at the ground level and levels 1-4.

- (c) the residential component of the building is provided with an entrance separate from the entrances to the remainder of the building,*

Comment: The residential apartments do not have a separate entrance to the serviced apartments. This should be addressed in any redesign of the development, it being noted that No.619 Pacific Highway is a smaller site (480m²) and that approval of a single lobby in DA163/11 is not a precedent for, and does not justify non-compliance on the subject site.

(d) the building is set back above a podium.

Comment: The proposal includes a tower element above a podium, however, the tower has inadequate setbacks as previously discussed.

In summary the proposed development is considered unsatisfactory in relation to a number of the design controls and objectives of Clause 32 of NSLEP 2001.

6. Excavation

Clause 39 of NSLEP 2001 provides a number of objectives and controls with regard to minimising excavation and ensuring land stability and the structural integrity of neighbouring properties.

In this instance, the extent of excavation comprises a total of four levels of basement car parking which is required to satisfy Council parking requirements. The extent of excavation is considered acceptable in the circumstances and the proposal satisfies the objectives of the control. Council's standard conditions concerning geotechnical and structural engineering certification to protect adjoining properties would be conditioned if consent is granted.

7. Heritage

The site is not a heritage or contributory item and is not located in the vicinity of any heritage item nor within a Conservation Area. Accordingly the heritage provisions of the NSLEP 2001 are not a relevant consideration.

SEPP No.55 (Remediation of Land) and Contaminated Land Management Issues

The subject site has been considered in light of the Contaminated Lands Management Act and it is considered that based on the previous uses of the site, contamination is unlikely to be an issue.

SEPP No.65 (Design Quality of Residential Flat Development)

The application has been assessed by Council's Design Excellence Panel in terms of the Design Quality Principles set out in SEPP 65.

Assessment is summarised as follows:

Principles 1, 2 and 3: Context, Scale and Built Form: The context is set by the development surrounding the site and the development controls for the site. The proposal is not in context with existing surrounding development and inconsistent with building height controls for the precinct containing the subject site. The proposal is not in context with the desired future character of the area and would not be consistent with the predominant scale and built form of surrounding development. The tower setbacks are inadequate.

Principle 4: Density: The density is substantially greater than the dwelling yield

envisaged for mixed use development in the Residential Development Strategy for North Sydney, as expressed in Section 6.1 of the NSDCP 2002.

Principle 5: Resource, energy and water efficiency The design does not provide adequate solar access or natural ventilation. A BASIX Certificate has been provided with the application.

Principle 6: Landscape: The proposed building covers almost the entire site and no ground level landscaping is proposed.

Principle 7: Amenity: An excessive number of units will have particularly poor amenity, given the proportion of south facing units. Natural ventilation and balconies are also unsatisfactory.

Principle 8: Safety and Security: The proposed development is generally considered to provide adequately for the safety and security of future residents. A separate residential entry should be accommodated in any redesign.

Principle 9: Social Dimensions: The development does not respond adequately to the social context, with a predominance of small units. A communal area for residents at the roof level is proposed to promote social interaction and provide greater amenity for residents, which is satisfactory subject to an amended wind assessment.

Principle 10: Aesthetics: Subject to reduced height and increased tower setbacks, the proposed development is an acceptable architectural design with regard to the site constraints.

SEPP (Building Sustainability Index: BASIX) 2004

A suitable BASIX Certificate has been submitted with the application. In the event of approval, a condition would be imposed requiring compliance with the commitments contained in the certificate.

SEPP (Infrastructure) 2007

SEPP (Infrastructure) 2007 establishes a framework for certain types of development to be referred to the RMS for consideration.

The application was referred to the RMS which raised no objections, subject to conditions.

SREP (Sydney Harbour Catchments) 2005

The site is not located within or close to the Foreshore and Waterway Area designated in this SREP.

Draft North Sydney Local Environmental Plan 2009

The Draft North Sydney Local Environmental Plan 2009 was on public exhibition until 31 March 2011, following certification of the plan by the Director-General of the

Department of Planning. It is therefore a matter for consideration under S.79C of the Environmental Planning and Assessment Act 1979. However at this stage little weight can be given to the plan since the final adoption of the plan is neither imminent nor certain.

The provisions of the draft plan have been considered in relation to the subject application. Draft LEP 2009 is the comprehensive planning instrument for the whole of Council's area which has been prepared in response to the planning reforms initiated by the NSW state government.

The provisions of the Draft Plan largely reflect and carry over the existing planning objectives, strategies and controls in the current North Sydney LEP 2001, however, in relation to this site the zoning is proposed to be changed to B3 Commercial Core. The proposed development would not be permissible in the draft B3 Commercial Core zone.

The proposed development is not consistent with the draft height control or permissibility in the B3 Commercial Core zone. Given that the draft plan is neither imminent nor certain, it is not reasonable to refuse the application on the basis of the zoning change in the draft plan, however, the draft height limit reinforces the unsatisfactory nature of the proposed height.

Suspensions of Covenants, agreements and similar instruments

Council is unaware of any covenants, agreements or the like which may be affected by this application.

DEVELOPMENT CONTROL PLAN 2002

The application has been assessed against the relevant controls in DCP 2002 as indicated in the DCP 2002 compliance table provided earlier in this report.

Relevant Planning Area (St Leonards/Crows Nest Planning Area)

The proposal is generally consistent with the St Leonards/Crows Nest Planning Area Character Statement.

The specific Character Statement for the St Leonards Town Centre identifies a number of design controls. Of particular relevance are the following:

- Setbacks: *1.5m above podium to Atchison Street / 3.0m above podium to Pacific Highway and Christie Street:* The proposed setbacks are unsatisfactory, as previously discussed.
- Building design: *Balconies not accommodated in setback area:* As previously discussed, the proposal does not comply with this requirement to Christie Street.
- Characteristic building height: *Buildings are scaled down significantly from the Forum development towards surrounding areas and lower scale development on Chandos Street, Willoughby Road, Crows Nest Village, the Upper Slopes and Crows Nest Neighbourhood:* As discussed above, the proposal is unsatisfactory

with regard to characteristic building height and scaling down from the Forum development.

The development does not satisfy the provisions of the St Leonards/Crows Nest Area Character Statement.

SECTION 94 CONTRIBUTIONS

Section 94 Contributions in accordance with Council's S94 plan are applicable. A suitable condition would be applied if consent is granted.

DESIGN

The design is considered to be unsuitable for the proposed site as discussed throughout this report.

MATERIALS

The application is acceptable with regard to materials.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL CONSIDERED

1.	Statutory Controls	YES
2.	Policy Controls	YES
3.	Design in relation to existing building and natural environment	YES
4.	Landscaping/Open Space Provision	YES
5.	Traffic generation and Car parking provision	YES
6.	Loading and Servicing facilities	YES
7.	Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	YES
8.	Site Management Issues	YES
9.	All relevant S79C considerations of Environmental Planning and Assessment (Amendment) Act 1979	YES

CLAUSE 14 NSLEP 2001

Consistency With The Aims Of Plan, Zone Objectives And Desired Character

The provisions of Clause 14 of NSLEP 2001 have been examined.

It is considered that the development is not consistent with the specific aims of the plan and the objectives of the zone and of the controls.

SUBMITTORS' CONCERNS

The concerns raised with regard to the impacts of the proposal have been largely been addressed within this report.

CONCLUSION

This application is unsatisfactory in a number of respects and the most significant issues relate to poor internal amenity for both the serviced apartments and residential units, inadequate building setback to the Pacific Highway and excessive building height. Further, a large proportion of the Atchison Street frontage at street level is occupied by service functions including a loading dock, car park entry, fire stairs, utility rooms and lift core, resulting in minimal activation of the streetscape in Atchison Street. Amalgamation with No.619 Pacific Highway would improve the streetscape design substantially.

In relation to the SEPP 1 objection to the building height development standard, the proposed height is not in keeping with the desired future character of the neighbourhood and is not consistent with the recently approved adjoining development at No.619 Pacific Highway. The building height objectives of internal amenity for inhabitants of the building, conforming to the natural landform, and avoiding the use of transitional height arguments to exceed the height limit, have not been satisfied. Further, it has not been adequately demonstrated that a more skilful design would not reduce view loss, and with regard to the above deficiencies, the SEPP 1 objection has failed to demonstrate that the objectives of the standard are achieved, despite the 8.4m/2.5 storey non-compliance.

It is considered that the extent of redesign required to address the identified issues (regardless of whether the site is amalgamated with No. 619) is so substantial that the resultant scheme would constitute a different proposal and require a fresh application.

The application is recommended for **refusal** by the Joint Regional Planning Panel.

RECOMMENDATION

PURSUANT TO SECTION 80 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the Joint Regional Planning Panel, as the consent authority, refuse development consent to 2012SYE051 - Development Application No.136/12 to demolish the existing building and erect a 17-18 storey mixed use building containing ground floor retail, 33 serviced apartments ("hotel") at levels 1-4, 72 residential apartments at levels 5-17 and three levels of basement carparking (in a mechanical stacker) for 42 vehicles for the following reasons:

1. The height and scale of the building is excessive and is not in context with

surrounding development or the existing and desired future character of the area, as expressed through North Sydney Local Environmental Plan 2001 and North Sydney DCP 2002. Further, the 8.4m breach and the submitted SEPP 1 objection to the building height standard would undermine the integrity of the development standard and the SEPP 1 objection to building height is considered to not be well founded and is not supported.

2. The proposed building design is unsatisfactory with regard to setbacks and form in that it does not provide a 3.0m tower setback to the Pacific Highway and Christie Street as required by North Sydney Development Control Plan 2002 and the Character Statement for the St Leonards Town Centre.
3. The amenity of a substantial number of apartments, including both the serviced apartments and residential apartments, is unsatisfactory with regard to solar access, cross ventilation, unit size, and balcony size and dimensions.
4. Inadequate information including current valuations and evidence of reasonable offers, has been provided to justify the claims that genuine attempts to amalgamate the subject site and No.619 Pacific Highway have been made.
5. The proposal is unsatisfactory with regard to traffic impact and in particular, inadequate motorcycle and bicycle parking, the mechanical stacking system generally, the lack of a statistical queuing analysis, inadequate parking for people with disabilities and an insufficient loading dock.
6. The proposed unit mix includes an excessive number of studio and one bedroom units with an inadequate number of larger units.
7. Separate access is not provided to the non residential floors of the building to be used as a hotel (serviced apartments).
8. The submitted wind report is inadequate as it does not assess the proposed trafficable communal roof terrace.
9. The proposal does not include continuous awning coverage to Pacific Highway and Christie Street.
10. The proposed streetscape treatment of Atchison Street is dominated by service and utility functions. There is inadequate activation of the Atchison Street facade at street level.
11. The proposed floor to ceiling heights are inadequate and below the required finished heights for the ground and first floors.
12. The garbage storage room does not meet North Sydney DCP 2002 requirements as it is greater than 2m from the boundary and does not adjoin an adequately dimensioned loading area that could be used as a temporary bin storage area.
13. The proposal is not in the public interest.

George Youhanna
EXECUTIVE PLANNER

Stephen Beattie
MANAGER DEVELOPMENT SERVICES
